

## ORIGINAL ARTICLE

# Since you put it that way... Gender norms and interruptions at Supreme Court oral arguments

Shane A. Gleason 

Department of Social Sciences, Texas A&M University–Corpus Christi, Corpus Christi, Texas, USA

**Correspondence**

Shane A. Gleason, Public Policy & Law Program, Trinity College, Hartford, CT, USA.

Email: [Shane.gleason@trincoll.edu](mailto:Shane.gleason@trincoll.edu)

A previous version of this article was presented at the 2021 Annual Meeting of the Southern Political Science Association.

**Abstract**

**Objective:** At U.S. Supreme Court oral arguments, female attorneys are more likely to be interrupted than their male counterparts under some conditions. This makes it difficult for women to effectively construct a narrative and substantively impact case law. While existing work conceptualizes gender as a binary, I draw on recent work stressing gender is performative to deessentialize gender and explore how attorneys' compliance with gender norms and subtle expectations about men's and women's behavior in a host of contexts, predicts interruptions at oral arguments.

**Methods:** Via quantitative textual analysis of all oral arguments from 2004 to 2019 where one attorney argues for the petitioner and one for the respondent, I examine the extent to which gender norm compliance predicts interruptions.

**Results:** I find both male and female attorneys are interrupted more frequently when their oral arguments are not gender normative. Thus, an argument that is successful for a male attorney is not necessarily successful for a female attorney, and vice versa.

**Conclusion:** My results underscore female attorneys are not less successful as a matter of course; attorney success is driven by attorney compliance with gender norms. This work also raises a number of normative questions I encourage future scholars to explore.

**KEYWORDS**

attorneys, gender, interruptions, oral arguments

Oral arguments, the only public part of the judicial decision-making process, are attorneys' last opportunity to make their case to the Supreme Court. For this task, they are allotted 30 min; however, that time does not fully belong to attorneys. Aside from the first 2 min, justices may interject at will with questions, hypotheticals, or any other topic (Johnson et al. 2009a; Rubin and Robinson 2020). Though interruptions violate conversational norms of turn-taking (Fisher 1987; Wiemann and Knapp 1975; Wilson, Wiemann, and Zimmerman 1984), they are an assumed and increasingly common part of oral arguments (Sullivan and Canty 2015; Wrightsman 2008). While jurists such as Chief Justice Rehnquist and Justice Scalia stress interruptions help clarify vague points from briefs and thus produce better opinions

(Rehnquist 2001; PBS 1988), the more the justices interrupt, the less able attorneys are to construct narratives to secure favorable outcomes (Epstein, Landes, and Posner 2010). Critically, interruptions are not uniformly distributed amongst attorneys. While many interruption predictors center on skill or professional credentials (Johnson et al. 2009a), recent scholarship finds female attorneys are interrupted earlier and more frequently than their male peers under most circumstances (Lindom, Gregory, and Johnson 2017; Patton and Smith 2017, 2020).

Oral arguments are fundamentally conversations between attorneys and justices (Wrightsmann 2008). In a myriad of personal and professional conversational contexts, women are interrupted more frequently than men (for instance, see Beattie 1982; Goldschmidt and Weller 2000; Mattei 1998; West 1979). Importantly, interruptions redefine conversational narratives and prevent speakers from articulating points (e.g., Kathlene 2001; Och 2020). At the Court, this is problematic as an effective oral argument can increase the probability of winning (Johnson, Wahlbeck, and Spriggs 2006). Because women are interrupted more in political institutions generally, there are normative concerns about how effectively women can secure favorable outcomes and substantively impact decisions (Jacobi and Schweers 2017; Vera and Vidal 2022). Perhaps more importantly, this also raises the specter of how the public perceives women's ability to successfully advocate at the Court. Ultimately then, while the Supreme Court and the broader legal profession are increasingly diverse (ABA 2018), diversity may not move beyond descriptive representation. However, recent work suggests women may not be interrupted more because they are women; rather, women may be interrupted more based on how they "perform" gender in their arguments (e.g., Gleason 2020).

Many existing studies at the Court and other institutions essentialize gender as a sex binary (for instance, see Lindom, Gregory, and Johnson 2017; Miller and Sutherland 2022; Patton and Smith 2017). That is to say, they posit interruptions are based on whether a speaker is male or female. While the sex binary is a key component of evaluating gender (e.g., Shih, Pittinsky, and Ambady 1999), people are assessed based on how they "perform" gender (Gleason and Smart 2023). That is to say, it is important whether a (wo)man acts like (wo)men are expected to act. These performative expectations are rooted in gender norms, subtle and often unconscious expectations about how men and women should behave in a host of contexts (Eagly and Carli 2007; Yu 2014). In general, men are expected to be agenic, whereas women are expected to be communal (Eagly and Steffen 1984). Consequently, an argument that is effective for male attorneys may not be effective for female attorneys (Gleason 2020; Patton and Smith 2020; Reskin 2000).

Gender norms pose few problems for male attorneys; the professional norms of a "good attorney" and the gender norms of a "good man" are synonymous; but, professional and gender norms are often at odds for female attorneys (e.g., Bogoch 1999; Rhode 1994). Thus, female attorneys must navigate competing expectations to avoid interruptions and construct an effective narrative (e.g., Gleason 2020). While scholars have explored gender norms at the Court before (Gleason and Ivy 2021; Gleason and Smart 2023), they focus on outcomes such as securing justice-votes at oral arguments. While votes are certainly critical components of attorney success, they are ultimately the culmination of oral arguments. To fully understand the role of sex and gender at oral arguments it is important to explore the dynamics of the conversation that precedes the outcome (Johnson 2001).

I argue interruptions are not premised on whether an attorney is male or female. Rather, they depend on whether the attorney's argument is gender normative. To test this, I utilize quantitative textual analysis of all orally argued cases resulting in a signed opinion or judgment where one attorney argues for the petitioner and one attorney argues for the respondent in the 2004–2019 terms at the U.S. Supreme Court. Using the Linguistic Inquiry Wordcount software (hereafter: LIWC; Pennebaker et al. 2007), I extract the level of emotional language from each attorney's utterances to measure gender norm compliance (Gleason 2020). I demonstrate attorneys, both male and female, are interrupted less when their arguments are gender normative. This provides support for my argument and adds conceptual nuance to the distinction between sex and gender (e.g., McDermott and Hatemi 2011). This also underscores the need to deessentialize gender in future work (e.g., Butler 1999) and raises numerous normative and empirical questions about how women can effectively advocate at the Court while navigating the tension between professional and personal expectations.

## ORAL ARGUMENTS AS CONVERSATIONS

While historically dismissed as “mere window dressing” (Rohde and Spaeth 1976), scholars now generally agree that oral arguments are a valuable information source that can enhance judicial decision making (e.g., Jacobi and Schweers 2017). Indeed, an effective oral argument can alter the content of a decision or justice-votes under some conditions (Johnson 2001; Johnson, Wahlbeck, and Spriggs 2006; Ringsmuth, Bryan, and Johnson 2013). This proposition is supported by justices themselves; both Justices Powell and Blackmun’s papers periodically include notes that a particular argument was especially useful or persuasive (Johnson, Wahlbeck, and Spriggs 2006). Justices Kennedy, Kagan, and Scalia assert the dynamic back and forth at oral arguments are an effective way for justices to have conversations with each other via the attorney (C-SPAN 2012; Jacobi and Schweers 2017; PBS 1988). These conversations often contain interruptions (Johnson, Black, and Wedeking 2009b). While Justice Kagan concedes that some of her colleagues sometimes “overdo it” with interruptions (C-SPAN 2012), Chief Justice Rehnquist specifically notes questions and interruptions peppered into oral arguments are an effective way for justices to gather information and clarify points (Rehnquist 2001).<sup>1</sup> Ultimately then, effective oral arguments often shape opinion content (Johnson 2001; Johnson, Wahlbeck, and Spriggs 2006).

During oral arguments, justices interrupt attorneys at will (e.g., Black, Johnson, and Wedeking 2012). Indeed, Justice Kagan notes justices sometimes prepare questions in advance (C-SPAN 2012). The rules of oral arguments stress attorneys must accept the interruption and yield the floor to the interrupting justice (Wrightsmann 2008). While the volume of interruptions has increased in recent years (Sullivan and Canty 2015), they are not evenly distributed amongst attorneys; skilled and prestigious attorneys are interrupted less (Johnson, Black, and Wedeking 2009b; Patton and Smith 2017). Receiving more interruptions is problematic because attorneys who are interrupted more are less successful in securing justice-votes (Epstein, Landes, and Posner 2010; Johnson 2001; Johnson et al. 2009a). In understanding interruptions and their impact, it is important to recall oral arguments are fundamentally conversations (Lindom, Gregory, and Johnson 2017; Wrightsmann 2008).

Though rules vary by context, conversations are a core part of interactions ranging from casual chats to formalized parliamentary speeches (for instance, see Karpowitz and Mendelberg 2014; Lindom, Gregory, and Johnson 2017; Och 2020; Wiemann and Knapp 1975). Conversations presume turn-taking; speakers periodically yield the floor to each other (Beattie 1982). Interruptions are involuntary yields ending the speaker’s turn before she is done speaking. This prevents fully articulating positions (Kathlene 1994; Smith-Lovin and Brody 1989) and alters narrative arc (Beattie 1982; Mendelberg, Karpowitz, and Oliphant 2014). Moreover, interruptions diminish the interrupted speaker’s standing with others (Vera and Vidal 2022); this underscores interruptions are about power (Kathlene 1994; Och 2020). Many things predict interruptions, such as the extent to which the non-speaking partner agrees with the speaker (Johnson, Black, and Wedeking 2009b) and perceived expertise (Patton and Smith 2017). However, across a range of contexts, interruptions follow gender hierarchies (Anderson and Leaper 1998; Patton and Smith 2020; West 1979).

Interruptions across a number of settings are gendered and reinforce existing social inequalities (Smith-Lovin and Brody 1989). Focusing specifically on political science, female legislators cross-nationally are interrupted more in floor speeches and during committee hearings (Kathlene 1994 2001; Mattei 1998; Miller and Sutherland 2022; Vera and Vidal 2022). Moreover, those interruptions are less likely to be polite; women are heckled more (Och 2020). Though not immune to interruptions, senior women in legislatures are less impacted by them (Vera and Vidal 2022). While this provides an avenue for women to shape outcomes in legislatures, it likely does not translate to courts where attorneys by definition have less stature than justices.

At oral arguments, female attorneys are interrupted earlier and more frequently than men (for instance, see Patton and Smith 2017, 2020). This pattern holds between justices as well; male justices interrupt

<sup>1</sup> Scholarly work also supports these jurists’ assessments (for instance, see Johnson 2001, 2004).

female justices at higher rates than they do other male justices (Feldman and Gill 2019; Jacobi and Schweers 2017). As a consequence of being interrupted more, women receive less speaking time (Patton and Smith 2017) and face more negative language from justices (Lindom, Gregory, and Johnson 2017). However, women are consistently interrupted less in “women’s issue” cases where they are presumed experts and therefore receive deference (Patton and Smith 2017). Particularly, since oral argument time is firmly capped, more interruptions translate into less speaking time and thus less ability to substantively shape case law (Patton and Smith 2020). While these studies provide a firm foundation, they treat gender as a binary. Recent work deessentializing gender and treating it as a performance provides a more nuanced account of interruptions.

While sex is one of the first things noted in a conversational dyad and a critical part of predicting interruptions (e.g., Shih, Pittinsky, and Ambady 1999), sex and gender are conceptually different. Whereas sex is the distinction between men and women,<sup>2</sup> gender is the set of socially constructed expectations about how men and women should act in a given context (McDermott and Hatemi 2011). These expectations are rooted in gender norms, unconscious expectations about how men and women should act in a host of professional and personal contexts (Eagly and Carli 2007; Yu 2014). Gender norms are internalized as early as childhood and encompass a myriad of behavioral expectations ranging from articles of clothing, posture, and vocal pitch (e.g., Cunningham 2001). While gender norms are powerful predictors of outcomes, they are particularly consequential in heavily gendered spaces (Gleason and Smart 2023; Vera and Vidal 2022).

Politics and the law are historically masculine spheres where women are often seen as outsiders (Duerst-Lahti and Kelly 1995; Karpowitz and Mendelberg 2014; Shaw 2000).<sup>3</sup> This is particularly true in the common law legal tradition that is premised on adversarial conflict without emotion (e.g., Maroney 2011). This tradition is coextensive with male gender norms but is at odds with female gender norms that stress collaboration and consensus (Biernat, Tocci, and Williams 2012; Karpowitz, Monson, and Preece 2017; Rudman and Glick 1999, 2001). Accordingly, female attorneys often must balance competing professional and gender norms. Thus, despite near parity in law school admissions and graduations (ABA 2018), female trial court attorneys often report discrimination from jurists and attorneys alike (Collins, Dumas, and Moyer 2017, 2018; Winkle and Wedeking 2003) and the Supreme Court Bar remains overwhelmingly male in composition (Szmer, Kaheny, and Sarver 2021).<sup>4</sup> Under these conditions, when a female attorney appears at oral arguments, the justices implicitly note her sex (Shih, Pittinsky, and Ambady 1999) and activate gender normative expectations of how women should act (Eagly and Carli 2007; Patton and Smith 2020). If female attorneys meet those expectations, they are more likely to be successful (Gleason 2020).

Gender norms manifest in a myriad of ways ranging from facial expressions to posture (for instance, see Boussalis et al. 2021; Bucy 2016; Carpinella and Bauer 2021). However, language is a key site where gender is performed (Butler 1999; Jones 2016). Language is especially applicable at the Court; the core of an attorney’s job involves using language to make effective arguments either in writing or verbally (Hazelton and Hinkle 2022; Johnson 2004). While there are several gendered aspects of language (Chung and Pennebaker 2007; Jones 2016; Pennebaker 2011), work on attorneys often examines emotional language (Black et al. 2016; Gleason and Smart 2023). Importantly, women are generally expected to be more emotionally expressive than men (Chaplin 2015; Fischer and LaFrance 2015; Goldschmidt and Weller 2000; Mulac et al. 2013). Though the Court instructs all attorneys to eschew emotion in favor of dispassioned legal argument (Black et al. 2016), justices evaluate female attorneys based on whether their use of emotional language in briefs and oral arguments is gender normative (Gleason 2020; Gleason, Jones, and McBean 2019). That is to say, for female attorneys to be successful, they must disregard professional expectations in favor of gender-normative expectations. These existing studies focus on the extent to which female

<sup>2</sup> Sex also takes on other values to account for intersex people (McDermott and Hatemi 2011).

<sup>3</sup> This is not to say women are disadvantaged in all political settings. While majoritarian systems typically disadvantage women, women are generally more effective in bodies that reach decisions by consensual norms (Karpowitz and Mendelberg 2014).

<sup>4</sup> While women generally operate from a disadvantage in the legal profession, this is not true at all courts. At the more gender diverse federal appellate courts women are as successful as their male counterparts under some conditions (Szmer et al. 2013). In the more gender equitable Supreme Court of Canada, female attorneys are as successful as their male peers (Kaheny, Szmer, and Sarver 2011).

attorneys secure justice-votes or get language incorporated into justices' opinions; this logic should extend to interruptions.

I contend female attorneys are not less likely to be interrupted as a matter of course. Likewise, male attorneys are not less likely to be interrupted simply because they are men. Rather (fe)male attorneys are less likely to be interrupted when they "sound" like (wo)men (e.g., Gleason 2020). This moves beyond previous work on interruptions, be it on attorneys or justices, which typically essentialize gender as a binary. By adopting a more performative approach, I argue attorney success is premised on complying with gender norms. Accordingly:

**Hypothesis 1.** Attorneys are interrupted less when their oral arguments are gender normative.

## DATA AND METHODS

I construct a data set inclusive of all oral arguments resulting in signed opinions or judgments in cases where one attorney orally argues for the petitioner and one attorney orally argues for the respondent<sup>5</sup> from the 2004 to 2019 terms of the U.S. Supreme Court.<sup>6</sup> I obtain transcripts for all oral arguments from Lexis and collect information about the attorneys.<sup>7</sup> Using a Python script, I create text files containing each attorney's utterances. I process these files with LIWC (Pennebaker et al. 2007) and combine the resultant data with the justice-centered version of the Supreme Court Database (Spaeth et al. 2021). Because the unit of analysis is the justice-attorney interaction, I have two observations for each justice in each case: one each for the petitioner's and respondent's attorney.<sup>8</sup> This produces 7796 observations from 499 cases.

The dependent variable is the number of interruptions the attorney receives from each justice during oral arguments. Interruptions are distinguished from normal turn-taking in conversation by a "—" at the end of a speaking turn in the transcript. I construct this by first identifying turns where attorneys are interrupted and subsequently noting the name of the justice speaking immediately after. However, some interruptions are short phrases such as "I see," "Right," or "Go on." These are not interruptions in the traditional sense; rather, they are a form of conversation maintenance (for an overview, see: Okamoto, Rashotte, and Smith-Lovin 2002). Accordingly, I exclude any interruption of less than 20 characters.<sup>9</sup> In the resulting data, the median attorney receives two interruptions from each justice. However, these data are skewed; Figure 1 demonstrates there are outlying instances where justices may interrupt in excess of 20 times each during one argument.

Since my expectations are conditional on the values of both attorney sex and gender norm compliance, my primary independent variable is an interaction between attorney sex and gender normative language (Gleason 2020). I measure attorney sex via the honorific used to refer to the attorney in the transcript (e.g., "Mr." or "Ms.")<sup>10</sup> I code this variable as "1" if the attorney is female; "0" otherwise. In line with previous work, I measure gender-normative language with affective (emotional) language (Gleason 2020; Gleason and Smart 2023). LIWC measures affect via a list of 915 words and word stems. Taking the document

<sup>5</sup> Some previous work includes cases with three or more attorneys presenting at oral arguments (e.g., Patton and Smith 2017). I limit analysis to cases with two total attorneys because it is difficult to isolate the impact of a given attorney's argument when multiple attorneys present for the same side. Moreover, there is added contextual complexity in the gender norm operationalization when multiple attorneys simultaneously constructing the narrative (Gleason and Ivy 2021).

<sup>6</sup> Since the format of oral arguments changed with the Covid-19 pandemic, I only include 2019 cases argued before the shift to teleconference oral arguments. The 2019 term ushered in changes of its own; justices were to refrain from any interruptions for the first 2 min of attorneys' arguments (Rubin and Robinson 2020). I rerun my models with the 2019 term completely excluded; the results are substantively unchanged.

<sup>7</sup> I utilize Westlaw for the 2014 term onward.

<sup>8</sup> Since Justice Thomas speaks only four times in the data, I exclude him from analysis. As a robustness check, I rerun the models with him included. The results are substantively unchanged.

<sup>9</sup> I arrive at 20 characters by examining the average length of short interruptions such as those listed above. I estimated models at various minimum lengths, including zero, five, 10, and 15. In all cases, results are substantively unchanged.

<sup>10</sup> The solicitor general is referred to as "General." Fortunately, all solicitors general in my data, with the exception of Elena Kagan, also appear at the Court before or after their tenure under the Mr./Ms. honorific.

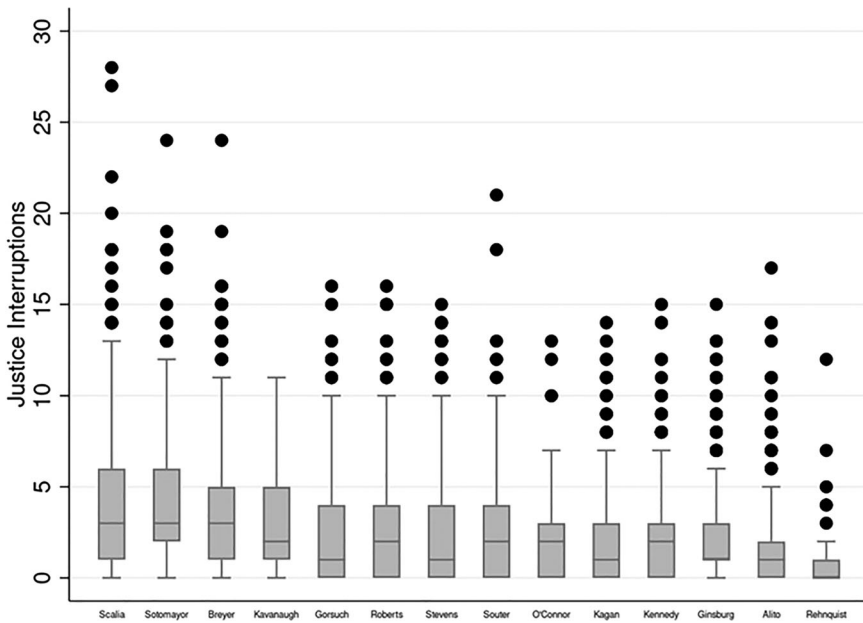


FIGURE 1 Distribution of interruptions by justice.

as a whole, LIWC notes the volume of affective words. In line with previous research (Black et al. 2016; Gleason 2020; Gleason, Jones, and McBean 2019), I utilize the overall affect measure instead of just positive or negative affect.<sup>11</sup> This is because affect, not just positive or negative, is female gender normative (Goldschmidt and Weller 2000). To elucidate how the affect measure works, consider the following oral argument excerpts. The first, argued by Michael R. Dreeben in *Corley v. United States*,<sup>12</sup> is low affect. The second, argued by Raymond Cardozo in *Federal Aviation Administration v. Cooper*,<sup>13</sup> is high affect. Affect words appear in bold:

Well, but the issue is what about the law. And the issue with and those false statement statutes is the substantial **risk** of imminent **harm** to the government that could result from the falsehood.

Congress passed this act to restore the citizens' **faith** in their government, and it made a **solemn promise** to the American citizens that in cases of intentional and willful **violation**, the United States shall be liable for actual **damages**.

Many of the affect words seem trivial or routine at oral arguments; indeed “violation” and “harm” are standard legal vernacular. While some level of affective language is thus unavoidable in litigation, it is a matter of degree. Importantly too, gender norms operate implicitly without justices realizing (e.g., Eagly and Carli 2007; Patton and Smith 2020; Szmer, Sarver, and Kaheny 2010). This is perhaps best illustrated by function words. Function words, which include conjunctions, prepositions, articles, and pronouns, carry little substantive meaning in isolation; in no sense do they seem gendered (Jones 2016). However, men and women vary in function word usage. Indeed, people are able to predict the sex of anonymous authors based on function word usage (Chung and Pennebaker 2007). Accordingly, while justices expect words like “risk” in a legal setting, they still implicitly associate it with affective language and expect women to

<sup>11</sup> Keeping with standard practice, I standardize the resulting coefficient (Wedeking 2010).

<sup>12</sup> 556 U.S. 303 (2008).

<sup>13</sup> 566 U.S. 284 (2012).

use it more frequently than men (Gleason 2020; Gleason, Jones, and McBean 2019). I interact attorney sex and gender norm measures to construct my primary independent variable.

I include a number of control variables suggested by prior literature. Since justices are more deferential to their former clerks (Black and Owens 2021), I include a binary marker denoting if the attorney clerked for that justice. More experienced attorneys tend to be more successful (McGuire 1995), so I note each attorney's logged number of previous appearances argues at the Court.<sup>14</sup> Since attorneys are more successful at oral arguments when their arguments are more cognitively complex (Gleason 2020; Gleason and Ivy 2021); I include LIWC's standardized measure of cognitive complexity. Attorneys representing better-resourced parties tend to be more successful (Galanter 1974); I include party capability scores for each attorney and her opponent (Szmer, Sarver, and Kaheny 2010). The best-resourced attorneys are those from the Office of the Solicitor General (Black and Owens 2012); I include a variable set to "1" for attorneys representing the federal government.

Justices are more likely to interrupt attorneys with whom they disagree as interruptions often signal displeasure with an argument (Johnson, Black, and Wedeking 2009b). Accordingly, I note whether the justice voted for the attorney's position (Spaeth et al. 2021).<sup>15</sup> Previous studies find female attorneys are interrupted less in "women's issue" cases (Patton and Smith 2017). I include a binary marker for these cases (Szmer, Sarver, and Kaheny 2010) and interact it with the female attorney measure. Since female justices may recall their own difficulty balancing gender and professional norms throughout their careers (e.g., Collins, Dumas, and Moyer 2017; Gleason, Jones, and McBean 2019; Haire & Moyer 2015; Moyer and Haire 2015; Norgren 2018), I include a binary marker of justice sex and interact it with the female attorney measure.<sup>16</sup> Justices interrupt more in politically salient cases (Patton and Smith 2017); I include the Epstein and Segal (2000) salience measure.<sup>17</sup> Justices are less likely to interrupt ideological allies (Johnson, Black, and Wedeking 2009b); therefore, I create a measure of ideological congruence by multiplying justices' Martin and Quinn (2002) scores by "−1" for attorneys representing the liberal position and "1" for attorneys representing the conservative position. Since there may be issue area effects, I include Supreme Court Database issue area codes (Spaeth et al. 2021) as a series of dichotomous variables.<sup>18</sup>

Because the party capability measures and the federal party variable measure similar theoretical constructs, I include two separate model specifications. Since the dependent variable is a count, I utilize a negative binomial model.<sup>19</sup> Since judicial decision making often turns on justice-level idiosyncrasies (Hall 2018), I cluster standard errors on justice.

## RESULTS

The results are presented in Figure 2.<sup>20</sup> At first blush, they seemingly suggest that affective language does not shape interruptions, and female attorneys are more likely to be interrupted than their male counterparts. However, it is important to recall that my hypothesis is conditional; I contend interruptions are

<sup>14</sup> As a robustness check, I estimate a model using the raw count of previous appearances. The results are substantively unchanged.

<sup>15</sup> Since the justice-vote can also be shaped by the number of interruptions an attorney receives, I rerun the models below in Figure 2 with this measure excluded as a robustness check. The results are substantively the same.

<sup>16</sup> It is also possible female justices' interruptions of attorneys are governed by a different process than their male counterparts (e.g., Gleason, Jones, and McBean 2019). To this end, I rerun the models presented below with a three-way interaction term between attorney sex, attorney gender norm compliance, and justice sex. While there are some minor differences between how male and female justices evaluate attorney gender norm compliance, the overall substantive results are the same: more gender normative language results in fewer interruptions. The full models and a detailed discussion thereof are provided in the Appendix in the Supporting Information.

<sup>17</sup> Clark et al. (2018) develop a more dynamic measure. It, however, only extends to 2015. Estimating a model with this measure for 2004–2015 produces substantively similar results.

<sup>18</sup> I exclude criminal procedure cases. In the interest of parsimony, I do not include these variables in text. However, they appear in the Appendix in the Supporting Information.

<sup>19</sup> Though the mean and variance of the dependent variable indicates a negative binomial model is appropriate, I run a Poisson model as a robustness check. The results are substantively unchanged.

<sup>20</sup> Statistical table output is presented in the Appendix in the Supporting Information.

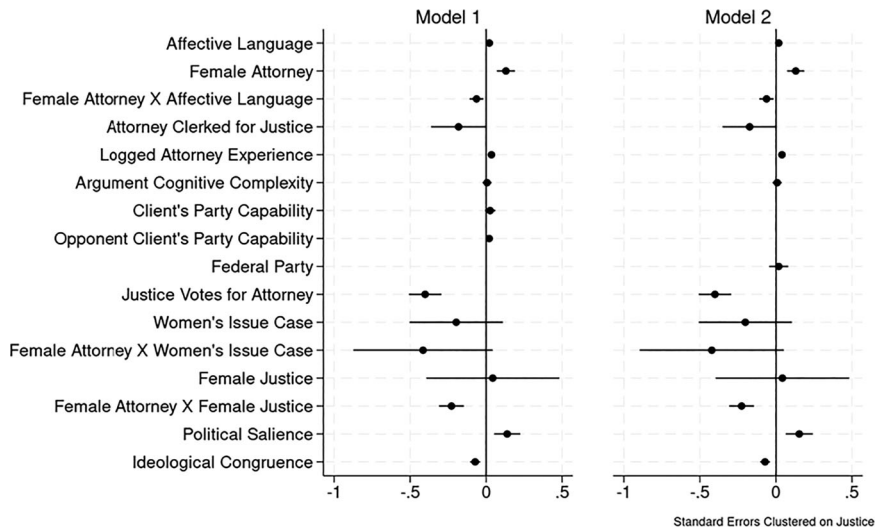


FIGURE 2 Predictor of justice interruptions.

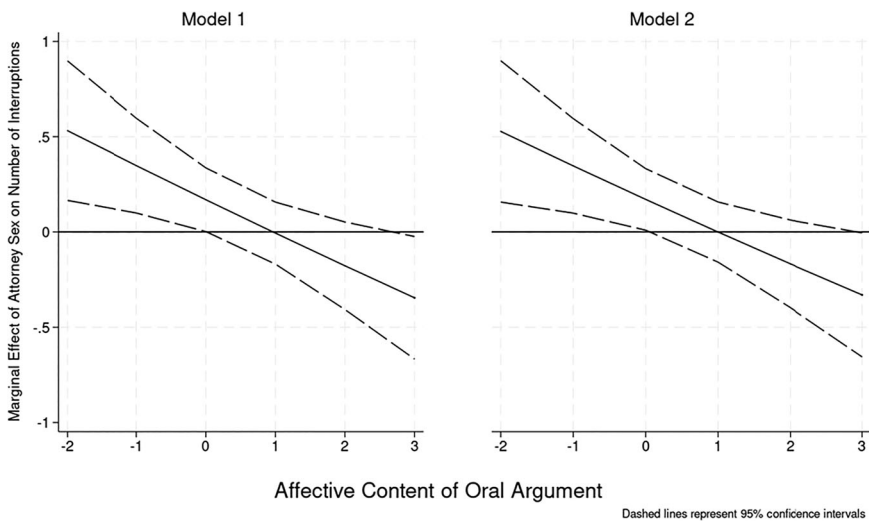


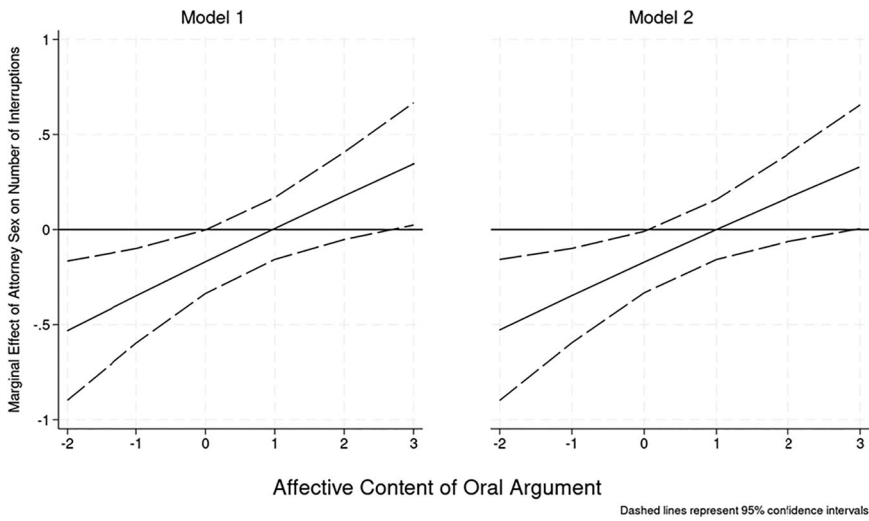
FIGURE 3 Interaction between attorney sex and gender norm compliance on number of interruptions (female attorneys).

predicted by how well language complies with gender-normative expectations. Thus, an effective argument for a female attorney is not the same as an effective argument for a male attorney. This is captured by the interaction term. While it is negative and significant in both specifications, interaction terms cannot be evaluated in the same manner as additive terms; they must be evaluated by simultaneously varying all constituent terms. This is best done graphically (Brambor, Clark, and Golder 2006).

Figure 3 depicts the interaction between attorney sex and affective language in the oral argument. The left panel shows Model 1. The right panel shows Model 2. In both, the  $x$ -axis shows affective language ranging from “-2” (stereotypic masculine) to “3” (stereotypic feminine).<sup>21</sup> The  $y$ -axis depicts the marginal effect of attorney sex on the number of interruptions received. The sloping solid line shows the marginal

<sup>21</sup> Since the value of affective language is standardized, “0” represents the mean value in the data.





**FIGURE 4** Interaction between attorney sex and gender norm compliance on number of interruptions (male attorneys).

effect of sex on interruption volume at that particular value of affect. Should the reference line at  $y = 0$  pass through the dashed 95 percent confidence intervals, the interaction is not significant at that particular value of affect. In both plots, the negative slope indicates as female attorneys use more affective language, they receive fewer interruptions. Once female attorneys reach the mean value of affect, sex no longer impacts the volume of interruptions.<sup>22</sup> This provides support for my expectation; female attorneys do not receive interruptions as a matter of course; rather, attorneys receive more interruptions when their oral arguments break with gender norms.

A natural follow-up question is how affective language shapes success for male attorneys. I explore this in Figure 4 by rerunning the models from Figure 2 with the female attorney variable replaced with a male attorney variable. The plot here mirrors Figure 3; male attorneys are interrupted less by justices when using less affective language. As men employ higher levels of affective language, which is stereotypic feminine, the marginal effect of sex on interruptions increases. Thus, men are not less likely to be interrupted than women by default. Rather, men are interrupted less when their arguments comply with gender-normative expectations.

A number of control variables reach statistical significance.<sup>23</sup> Former clerks receive 0.453 fewer interruptions from their justice than their non-clerk counterparts. As attorneys' experience increases, so too does the probability of interruption. A one-standard-deviation increase in attorneys' logged experience increases the predicted number of interruptions by 0.148. This surprising finding suggests more experienced attorneys may take on more difficult cases or that the justices expect more from their arguments because of their familiarity with the process.<sup>24</sup> An attorney is predicted to be interrupted 1.066 fewer times by a justice who ultimately votes for her than by a justice who votes against her. Female attorneys receive 0.558 fewer interruptions from female justices than from male justices. Attorneys receive 0.397 more interruptions in salient cases. A one-standard-deviation increase in ideological congruence decreases the predicted number of interruptions by 0.294.

<sup>22</sup> It is important to note female attorneys tend to use *less* affective language than male attorneys (Gleason, Jones, and McBean 2017). Accordingly, the average female attorney at the Court argues in a way that will increase the average number of interruptions.

<sup>23</sup> Since negative binomial coefficients are unintuitive, I estimate the predicted change in interruptions via the margins command in Stata. In the interest of facilitating interpretation, I discuss results from Model 1.

<sup>24</sup> This is an area where female attorneys appear to be privileged over men. Female attorneys generally have fewer appearances at the Court than their male counterparts. The median number of appearances for all attorneys in the models is 27. However, when breaking down by sex, the median male attorney appears 36 times. The median female attorney appears only 18 times. This is consistent with previous work noting male attorneys are generally more experienced than female attorneys (Gleason 2023).

## DISCUSSION

The stakes at oral arguments are high; their dynamics have cascading effects culminating in justice-votes and opinion content (e.g., Johnson 2001, 2004; Johnson, Wahlbeck, and Spriggs 2006), which can constrain courts and other legal actors for years after the decision (Spriggs and Wahlbeck 2006). Importantly, numerous scholars note women are more likely to be interrupted than their male counterparts under some conditions at oral arguments. However, these studies essentialize gender as the binary distinction between men and women. This misses the fact decisionmakers implicitly consider whether people comply with gender-normative expectations of behavior based on perceived sex. In this study, I deessentialize gender and examine it as a performance rather than a binary. In doing so, I find female attorneys are not interrupted more as a matter of course; all attorneys are interrupted more when they do not “sound” the way justices expect them to sound based on sex. Accordingly, though the Court instructs all attorneys to adhere to professional norms, they are more successful when conforming with gender norms. This poses few problems for male attorneys but forces female attorneys into a double bind. While my results add nuance to the scholarly understanding of how gender shapes interactions at U.S. Supreme Court oral arguments, they also raise a number of normative and empirical concerns that future work should address.

While I note the performance of gender shapes interruptions at the U.S. Supreme Court, it is important to recall the broader institutional context shapes the salience of gender and thus the extent to which gender performance impacts outcomes (e.g., Gleason 2023; Gleason and Smart 2023; Sanbonmatsu 2008). Thus, my findings at the U.S. Supreme Court may not necessarily translate to other courts. Future scholars should examine interruptions at courts where the level of diversity, be it attorneys or jurists, varies. Additionally, scholars should explore how changing institutional rules alter how gender is performed and evaluated. At the same time, scholars should broaden the range of gender-based behaviors examined beyond just spoken words. By exploring these and other questions, scholars can arrive at a more complete understanding of how gender is performed and evaluated in a host of legal contexts.

While the overall diversity of the legal profession has increased in recent years (ABA 2018), the Supreme Court Bar remains overwhelmingly male (Szmer, Kaheny, and Sarver 2021). Accordingly, archtypical attorneys, and thus professional behavioral expectations, are male. A number of studies suggest increasing the diversity of the Bar changes how gender norms and interruptions operate (Gleason and Smart 2023; Kaheny, Szmer, and Sarver 2011; Szmer et al. 2013). While it is counterfactual to examine varying levels of diversity at the contemporary Court, scholars may find purchase examining other courts with varying levels of diversity. For example, women are as successful in securing justice-votes as their male counterparts at the federal appellate courts under some conditions (Szmer et al. 2013), and female attorneys are more successful than male attorneys at the Supreme Court of Canada under some conditions (Kaheny, Szmer, and Sarver 2011). Since both of these courts share the common law legal tradition with the U.S. Supreme Court, examining these two courts will allow scholars to learn about the dynamics under which gender norms manifest (e.g., Gleason and Smart 2023). Additionally, because women are better able to participate in the deliberative process when decisions are made by consensus rather than majority rule (Karpowitz and Mendelberg 2014), scholars should also examine high courts globally inclusive of those not using the common law system (Escobar-Lemmon et al. 2021).

While interruptions are pivotal to the question of female attorneys’ substantive impact, it is also important to examine interruptions between justices. While there is a growing literature on this topic (for instance, see Feldman and Gill 2019; Houston, Li, and Johnson 2021; Jacobi and Schweers 2017), these studies essentialize gender. A more performative analysis will provide insight into what kinds of jurists are able to shape outcomes and emerge as leaders. This has implications for how jurists shape opinion content and marshal coalitions (e.g., Maltzman et al. 2000; Hansford and Spriggs 2006). Moreover, since data on justices are more readily available than that on attorneys, scholars can also pursue a more nuanced understanding of what predicts interruptions, including justices’ personalities (e.g., Black et al. 2020; Hall 2018), and their personal, social, and professional networks (e.g., Glynn and Sen 2015; Kromphardt 2017).<sup>25</sup> Of

<sup>25</sup> Such an analysis on attorneys would be fascinating. However, the availability of data would limit analysis to a small number of cases and attorneys.

course, given the limited number of justices, this analysis may be better suited for the federal appellate courts.

While it is pivotal to explore diversity amongst legal actors, it is important to recall exchanges between attorneys and jurists are shaped by institutional context. Ample research notes institutional context shapes everything from diversity (Arrington 2018, 2020) to the way gender norms operate (Gleason 2023). This is well illustrated in the Court's response to the publication of Jacobi and Schweers' (2017) study noting female justices are interrupted more than their male counterparts. Facing public scrutiny, the Court reserved the first 2 min of oral arguments from interruption at the start of the 2019 term (Rubin and Robinson 2020). Shortly thereafter, the Covid-19 pandemic shifted oral arguments away from freewheeling in-person arguments to teleconference arguments in which justices took turns interacting with attorneys one-on-one (Houston, Johnson, and Ringsmuth 2023; Jacobi et al. 2021). Importantly, this shift changed the precise manner gender norm compliance predicts justice-votes (Gleason 2023). It stands to reason the one-on-one format, and increased attention to gendered interruptions also alters how interruptions manifest and the role gender norms play therein.

Finally, while my focus here is on how spoken words shape interruptions, it is important for future scholars to shift their focus to other elements of attorney–justice communication. I examine female gender norms and, along with other recent work, treat male gender norms as the inverse of female gender norms (e.g., Gleason 2020). However, work from other fields stresses male gender norms are distinct from female gender norms (for instance, see Moss-Racusin, Phelan, and Rudman 2010). To this end, recent research highlights masculinity and other male gender norms shape political and legal outcomes (Gill, Kagan, and Marouf 2017; Ralph-Morrow 2022). Perhaps more importantly, while words are pivotal to attorney success, 60 percent of all communication is nonverbal (Schill 2012). Therefore, I encourage future scholars to analyze multiple aspects of both verbal and nonverbal communication. Perhaps the most promising angles are gestures at state supreme court oral arguments where video recording is allowed (e.g., Black et al. 2023). It is likely that female attorneys may navigate the double bind by pairing female nonverbal communication with masculine verbal communication (e.g., Carpinella and Bauer 2021). By expanding the exploration of gender norm compliance, both in terms of the gender norms examined and the modalities explored, scholars can arrive at a more ecumenical understanding of how gender norm compliance shapes outcomes.

Ultimately, interruptions are a key feature of oral arguments at the Court. While they are a part of the dynamic back and forth between justices and attorneys (Wrightsmann 2008), they hinder attorneys' ability to effectively articulate positions and control narratives (Beattie 1982; Vera and Vidal 2022). While it is intuitive, interruptions should be predicted at least in part by attorney skill, and scholars are increasingly aware that gender shapes interruptions. I deessentialize gender at oral arguments and conceptualize gender as a performance where attorneys are interrupted less when their arguments comply with gender norms. In doing so, I demonstrate women are not interrupted more as a matter of course. Rather, both women and men are interrupted more or less based on the extent to which they comply with gender-normative expectations. Since professional norms are at odds with female gender norms, women must balance competing professional and gender expectations. This raises normative concerns about how effectively women can participate at the Court. While these findings are normatively troubling, they point toward a number of follow-up studies that will allow scholars to more fully understand how the performance of gender shapes behavior at the Court.

## ACKNOWLEDGMENTS

I thank Joseph Smith and Dana Patton for sharing data. I am grateful to Susan Johnson for helpful comments on an earlier version of this manuscript.

## ORCID

Shane A. Gleason  <https://orcid.org/0000-0002-0317-2516>

## REFERENCES

- ABA. 2018. *A Current Glance at Women in the Law*. [https://www.pbi.org/docs/default-source/default-document-library/10569\\_a-current-glance-at-women-in-the-law-jan-2018-\(1\).pdf?sfvrsn=0](https://www.pbi.org/docs/default-source/default-document-library/10569_a-current-glance-at-women-in-the-law-jan-2018-(1).pdf?sfvrsn=0)
- Anderson, K. J., and C. Leaper. 1998. "Meta-Analyses of Gender Effects on Conversational Interruption: Who, What, When, Where, and How." *Sex Roles* 39:225–52.
- Arrington, N. B. 2018. "Gender and Judicial Replacement: The Case of US State Supreme Courts." *Journal of Law and Courts* 6:127–54.
2020. "Judicial Merit Selection: Beliefs About Fairness and Undermining of Gender Diversity on the Bench." *Political Research Quarterly* 74:1152–67.
- Beattie, G. W. 1982. "Turn-Taking and Interruption in Political Interviews: Margaret Thatcher and Jim Callaghan Compared and Contrasted." *Semiotica* 39:93–114.
- Biernat, M., M. J. Tocci, and J. C. Williams. 2012. "The Language of Performance Evaluations: Gender-Based Shifts in Content and Consistency of Judgment." *Social Psychological and Personality Studies* 3(2):186–92.
- Black, R. C., M. E. Hall, R. J. Owens, and E. M. Ringsmuth. 2016. "The Role of Emotional Language in Briefs Before the U.S. Supreme Court." *Journal of Law & Courts* 4:377–407.
- Black, R. C., T. R. Johnson, and J. Wedeking. 2012. *Oral Arguments and Coalition Formation on the U.S. Supreme Court: A Deliberate Dialogue*. Ann Arbor, MI: University of Michigan Press.
- Black, R. C., and R. J. Owens. 2012. *The Solicitor General and the United States Supreme Court*. New York: Cambridge University Press.
- . 2021. "Trends: The Influence of Personalized Knowledge at the Supreme Court: How (some) Former Law Clerks Have the Inside Track." *Political Research Quarterly* 74:795–807.
- Black, R. C., R. J. Owens, J. Wedeking, and P. C. Wohlfarth. 2020. *The Conscientious Justice: How Supreme Court Justices' Personalities Influence the Law, the High Court, and the Constitution*. Cambridge, UK: Cambridge University Press.
- Black, R. C., T. R. Johnson, R. J. Owens, and J. Wedeking. 2023. "Televised oral arguments and judicial legitimacy: An initial assessment." *Political Behavior* XX: 1–23.
- Bogoch, B. 1999. "Courtroom Discourse and the Gendered Construction of Professional Identity." *Law & Social Inquiry* 24(2):329–75.
- Boussalis, C., T. G. Coan, M. R. Holman, and S. Muller. 2021. "Gender, Candidate Emotional Expression, and Voter Reactions During Televised Debates." *American Political Science Review* 115(4):1242–57.
- Brambor, T., W. R. Clark, and M. Golder. 2006. "Understanding Interaction Models: Improving Empirical Analyses." *Political Analysis* 14(1):63–82.
- Bucy, E. P. 2016. "The Look of Losing, Then and Now: Nixon, Obama, and Nonverbal Indicators of Opportunity Lost." *American Behavioral Scientist* 60(14):1772–98.
- Butler, J. 1999. *Gender Trouble*, 2nd ed. London: Routledge.
- Carpinella, C., and N. M. Bauer. 2021. "A Visual Analysis of Gender Stereotypes in Campaign Advertising." *Politics, Groups, & Identities* 9(2):369–86.
- Chaplin, T. M. 2015. "Gender and Emotion Expression: A Developmental Contextual Perspective." *Emotion Review* 7(1):14–21.
- Chung, C., and J. Pennebaker. 2007. The Psychological Function of Function Words. In *Social Communication*, edited by K. Fiedler, 343–59. New York: Psychology Press.
- Clark, T. S., J. K. Staton, Y. Wang, and E. Agichtein. 2018. "Using Twitter to Study Public Discourse of Judicial Decisions." *Journal of Law & Courts* 6(1):93–126.
- Collins, T. A., T. L. Dumas, and L. P. Moyer. 2017. "Intersecting Disadvantages: Race, Gender, and Age Discrimination Among Attorneys." *Social Science Quarterly* 98:1642–58.
- Cunningham, M. 2001. "The influence of parental attitudes and behaviors on children's attitudes toward gender and household labor in early adulthood." *Journal of Marriage and Family* 63: 111–22.
2018. "Tipping the Scales of Justice: Perceptions of Unfair Treatment in the Courtroom." *Justice System Journal* 39:303–21.
- C-SPAN. 2012. "Conversation with Supreme Court Justice Elena Kagan." Video. C-SPAN. <https://www.c-span.org/video/?308291-1/conversation-supreme-court-justice-elena-kagan>
- Duerst-Lahti, G., and R.-M. Kelly. 1995. *Gender Power, Leadership, and Governance*. Ann Arbor, MI: University of Michigan Press.
- Eagly, A., and L. L. Carli. 2007. *Through the Labyrinth: The Truth About How Women Become Leaders*. Boston, MA: Harvard Business School Press.
- Eagly, A. H., and V. J. Steffen. 1984. "Gender Stereotypes Stem from the Distribution of Women and Men Into Social Roles." *Journal of Personality and Social Psychology* 46(4):735–54.
- Epstein, L., W. M. Landes, and R. A. Posner. 2010. "Inferring the Winning Party in the Supreme Court From the Pattern of Questioning at Oral Arguments." *Journal of Legal Studies* 39:433–67.
- Epstein, L., and J. A. Segal. 2000. "Measuring Issue Salience." *American Journal of Political Science* 44:66–83.
- Escobar-Lemmon, M. C., V. J. Hoekstra, A. J. Kang, and M. C. Kittilson. 2021. *Reimagining the Judiciary: Women's Representation on High Courts Worldwide*. Oxford, UK: Oxford University Press.
- Feldman, A., and R. D. Gill. 2019. "Power Dynamics in Supreme Court Oral Arguments: The Relationship Between Gender and Justice-to-Justice Interruptions." *Justice System Journal* 40(3):173–95.
- Fischer, A., and M. LaFrance. 2015. "What Drives the Smile and the Tear: Why Women Are More Emotional Expressive Than Men." *Emotion Review* 7(1):22–29.

- Fisher, W. R. 1987. *Human Communication as Narration: Toward a Philosophy of Reason, Value, and Action*. Columbia, SC: University of South Carolina Press.
- Galanter, M. 1974. "Why the 'Haves' Come Out Ahead: Speculations on the Limits of Legal change." *Law & Society Review* 9(1):95–160.
- Gleason, S. A. 2020. "Beyond Mere Presence: Gender Norms in Oral Arguments at the U.S. Supreme Court." *Political Research Quarterly* 73(3):596–608.
2023. "I Can't See You; Can You Hear Me? Gender Norms and Context During In-Person and Teleconference U.S. Supreme Court Arguments." *Politics & Gender*: in press.
- Gill, R. D., M. Kagan, and F. Marouf. 2017. "The impact of maleness on judicial decision making: Masculinity, chivalry, and immigration appeals." *Politics, Groups & Identities* 7: 509–28.
- Gleason, S. A., and D. K. Ivy. 2021. "As She Was Saying: The Role of Gender & Narrative in Oral Argument Amicus Success." *Justice System Journal* 42:416–33.
- Gleason, S. A., J. J. Jones, and J. R. McBean. 2017. "Gender Performance in Party Brief Success." *Washington University Journal of Law and Policy* 54:89–100.
- . 2019. "The Role of Gender Norms in Judicial Decision-Making at the U.S. Supreme Court: The Case of Male and Female Justices." *American Politics Research* 47(3):494–529.
- Gleason, S. A., and E. Smart. 2023. "You Think; Therefore I Am: Gender Schemas & Context in Oral Arguments at the Supreme Court, 1979–2016." *Political Research Quarterly* 76:143–57.
- Glynn, A. N., and M. Sen. 2015. "Identifying Judicial Empathy: Does Having Daughters Cause Judges to Rule for Women's Issues?" *American Journal of Political Science* 59(1):37–54.
- Goldschmidt, O. T., and L. Weller. 2000. "Talking Emotions': Gender Differences in a Variety of Conversation Contexts." *Symbolic Interaction* 23:117–34.
- Hansford, T. G., and J. F. Spriggs. 2006. *The politics of precedent on the U.S. Supreme Court*. Princeton, NJ: Princeton University Press.
- Hall, M. E. 2018. *What Justices Want: Goals and Personality on the U.S. Supreme Court*. Cambridge, UK: Cambridge University Press.
- Haire, S. B., and L. P. Moyer. 2015. *Diversity matters: Judicial policy making in the U.S. Courts of Appeals*. Charlottesville, VA: University of Virginia Press.
- Hazelton, M. L., and R. K. Hinkle. 2022. *Persuading the Supreme Court: The Significance of Briefs in Judicial Decision-Making*. Lawrence, KS: University Press of Kansas.
- Houston, R., S. Li, and T. R. Johnson. 2021. "Learning to Speak Up: Acclimation Effects and Supreme Court Oral Argument." *Justice System Journal* 42:115–29.
- Houston, R., T. R. Johnson, and E. M. Ringsmuth. 2023. *SCOTUS and COVID: How the Media Reacted to the Livestreaming of Supreme Court Oral Arguments*. Lanham, MD: Rowman and Littlefield.
- Jacobi, T., and D. Schweers. 2017. "Justice Interrupted: The Effect of Gender, Ideology and Seniority at Supreme Court Oral Arguments." *Virginia Law Review* 103:1379–496.
- Jacobi, T., T. R. Johnson, E. M. Ringsmuth, and M. Sag. 2021. "Oral Arguments in the Time of Covid: The Chief Plays Calvinball." *Southern California Interdisciplinary Law Journal* 2:399–460.
- Johnson, T. R. 2001. "Information, Oral Arguments, and Supreme Court Decision Making." *American Politics Research* 29:331–51.
2004. *Oral Arguments and Decision Making on the United States Supreme Court*. Albany, NY: State University of New York Press.
- Johnson, T. R., R. C. Black, J. Goldman, and S. A. Treul. 2009a. "Inquiring Minds Want to Know: Do Justices Tip Their Hands with Questions at Oral Argument in the U.S. Supreme Court?" *Washington University Journal of Law & Policy* 29:241–62.
- Johnson, T. R., R. C. Black, and J. Wedeking. 2009b. "Pardon the Interruption: An Empirical Analysis of Supreme Court Justices' Behavior During Oral Arguments." *Loyola Law Review* 55:331–52.
- Johnson, T. R., P. J. Wahlbeck, and J. F. Spriggs. 2006. "The Influence of Oral Arguments on the U.S. Supreme Court." *American Political Science Review* 100(1):99–113.
- Jones, J. J. 2016. "Talk 'Like a Man': the Linguistic Styles of Hillary Clinton, 1992–2013." *Perspectives on Politics* 14(3):625–42.
- Kaheny, E. B., J. J. Szmer, and T. A. Sarver. 2011. "Women Lawyers Before the Supreme Court of Canada." *Canadian Journal of Political Science* 44(1):83–109.
- Karpowitz, C. F., and T. Mendelberg. 2014. *The Silent Sex: Gender, Deliberation, and Institutions*. Princeton, NJ: Princeton University Press.
- Karpowitz, C. F., J. Q. Monson, and J. Preece R. 2017. "How To Elect More Women: Gender and Candidate Success in a Field Experiment." *American Journal of Political Science* 61(4):927–43.
- Kathlene, L. 1994. "Power and Influence in State Legislative Policymaking: The Interaction of Gender and Position in Committee Hearing Debates." *American Political Science Review* 88(3):560–76.
- Kathlene, L. 2001. "Words that Matter: Women's Voice and Institutional Bias in Public Policy Formation." In *The Impact of Women in Public Office*, edited by S. J. Carroll, 22–48. Bloomington, IN: Indiana University Press.
- Kromphardt, C. D. 2017. "Evaluating the Effect of Law Clerk Gender On Voting at the United States Supreme Court." *Justice System Journal* 38:183–201.
- Lindom, T., C. Gregory, and T. R. Johnson. 2017. "Gender Dynamics and Supreme Court Oral Arguments." *Michigan State Law Review* 2017:1033–56.
- Maroney, T. A. 2011. "The Persistent Cultural Script of Judicial Passion." *California Law Review* 99:629–81.

- Martin, A. D., and K. M. Quinn. 2002. "Dynamic Ideal Point Estimation via Markov Chain Monte Carlo for the U.S. Supreme Court, 1953–1999." *Political Analysis* 10:134–53.
- Maltzman, F., J. F. Spriggs, and P. J. Wahlbeck. 2000. *Crafting law on the Supreme Court: The collegial game*. Cambridge, UK: Cambridge University Press.
- Mattei, L. R. W. 1998. "Gender and Power in American Legislative Discourse." *Journal of Politics* 60:440–61.
- McDermott, R., and P. K. Hatemi. 2011. "Distinguishing Sex and Gender." *PS: Political Science and Politics* 44(1):89–92.
- McGuire, K. T. 1995. "Repeat Players in the Supreme Court: The Role of Experienced Lawyers in Litigation Success." *The Journal of Politics* 57(1):187–96.
- Mendelberg, T., C. F. Karpowitz, and J. B. Oliphant. 2014. "Gender Inequality in Deliberation: Unpacking the Black Box of Interaction." *Perspectives on Politics* 12:18–44.
- Miller, M. G., and J. L. Sutherland. 2022. "The Effect of Gender on Interruptions at Congressional Hearings." *American Political Science Review* 42:416–33.
- Moyer, L. P., and S. B. Haire. 2015. "Trailblazers and those that followed: Personal experiences, gender, and judicial empathy." *Law & Society Review* 49: 665–89.
- Moss-Racusin, C. A., J. E. Phelan, and L. A. Rudman. 2010. "When men break the gender rules: Status incongruity and backlash against modest men." *Psychology of Men & Masculinity* 11: 140–51.
- Mulac, A., H. Giles, J. J. Bradac, and N. A. Palomares. 2013. "The Gender-Linked Language Effect: An Empirical Test of a General Process Model." *Language Sciences* 38:22–31.
- Norgren, J. 2018. *Stories from trailblazing women lawyers: Lives in the law*. New York, NY: New York University Press.
- Och, M. 2020. "Manterrupting in the German Bundestag: Gendered Opposition to Female Members of Parliament?" *Politics & Gender* 16:388–408.
- Okamoto, D. G., L. S. Rashotte, and L. Smith-Lovin. 2002. "Measuring Interruption: Syntactic and Contextual Methods of Coding Conversation." *Social Psychology Quarterly* 65:38–55.
- Patton, D., and J. L. Smith. 2017. "Lawyer, Interrupted: Gender Bias in Oral Arguments at the U.S. Supreme Court." *Journal of Law & Courts* 5:337–61.
- . 2020. "Gender, Ideology, and Dominance in Supreme Court Oral Arguments." *Journal of Women, Politics & Policy* 41:393–415.
- PBS. 1988. "This Honorable Court." Video. C-SPAN. <https://www.c-span.org/video/?2514-1/upcoming-pbs-program-supreme-court&start=791>
- Pennebaker, J. W. 2011. *The Secret Life of Pronouns: What Our Words Say About Us*. New York: Bloomsbury. <https://www.liwc.net/LIWC2007LanguageManual.pdf>
- Pennebaker, J. W., C. K. Chung, M. Ireland, A. Gonzales, and R. J. Booth. 2007. *The Development and Psychometric Properties of LIWC2007*.
- Ralph-Morrow, E. 2022. "The right men: How masculinity explains the radical right gender gap." *Political Studies* 70: 26–44.
- Rehnquist, W. R. 2001. *The Supreme Court*. New York: Alfred A. Knopf.
- Reskin, B. F. 2000. "The Proximate Causes of Employment Discrimination." *Contemporary Sociology* 29:319–28.
- Rhode, D. L. 1994. "Gender and Professional Roles." *Fordham Law Review* 63(1):39–72.
- Rohde, D. W., and H. J. Spaeth. 1976. *Supreme Court Decision-Making*. San Francisco, CA: Freeman.
- Ringsmuth, E. M., A. C. Bryan, and T. R. Johnson. 2013. "Voting Fluidity and Oral Arguments on the U.S. Supreme Court." *Political Research Quarterly* 66:429–40.
- Rubin, J. S., and K. S. Robinson. 2020. "Lawyers, Uninterrupted, Adjust to Supreme Court Two-Minute Rule." *Bloomberg Law*, January 7, 2020.
- Rudman, L. A., and P. Glick. 1999. "Feminized Management and Backlash Toward Agentic Women: The Hidden Costs to Women of a Kinder, Gentler Image of Middle Managers." *Journal of Personality and Social Psychology* 77(5):1004–10.
- . 2001. "Prescriptive Gender Stereotypes and Backlash Toward Agentic Women." *Journal of Social Issues* 57(4):743–62.
- Sanbonmatsu, K. 2008. "Gender Backlash in American Politics." *Politics & Gender* 4(4):634–42.
- Schill, D. 2012. "The visual image and the political image: A review of communication research in the field of political communication." *The Review of Communication* 12: 118–42.
- Shaw, S. 2000. "Language, Gender and Floor Apportionment in Political Debates." *Discourse & Society* 11(3):401–18.
- Shih, M., T. L. Pittinsky, and N. Ambady. 1999. "Stereotype Susceptibility: Identity Salience and Shifts in Quantitative Performance." *Psychological Science* 10(1):80–83.
- Smith-Lovin, L., and C. Brody. 1989. "Interruptions in Group Discussions: The Effects of Gender and Group Composition." *American Sociological Review* 54:424–35.
- Spaeth, H. J., L. Epstein, A. D. Martin, J. A. Segal, T. J. Ruger, and S. C. Benesh. 2021. *Supreme Court Database, Version 2021 Release 01*. <http://scdb.wustl.edu/index.php>
- Sullivan, B., and M. Canty. 2015. "Interruptions in Search of a Purpose: Oral Argument in the Supreme Court, October Terms 1958–60 and 2010–12." *Utah Law Review* 2015(5):1005–82.
- Szmer, J., E. B. Kaheny, T. A. Sarver, and M. DeCamillis. 2013. "The Impact of Attorney Gender on Decision Making in the United States Courts of Appeal." *Journal of Women, Politics, & Policy* 34:72–100.
- Szmer, J. J., E. B. Kaheny, and T. A. Sarver. 2021. "I Haven't Come a Long Way, and I'm Not a Baby": Task Assignment and Diversity of the Supreme Court Bar." *Social Science Quarterly* 102:2907–29.
- Szmer, J. J., T. A. Sarver, and E. B. Kaheny. 2010. "Have We Come a Long Way, Baby? The Influence of Attorney Gender on Supreme Court Decision Making." *Politics & Gender* 6:1–36.

- Vera, S. V., and A. G. Vidal. 2022. "The Politics of Interruptions: Gendered Disruptions of Legislative Speeches." *Journal of Politics* 84(3):1384–402.
- Wedeking, J. 2010. "Supreme Court Litigants and Strategic Framing." *American Journal of Political Science* 54:617–31.
- West, C. 1979. "Against Our Will: Male Interruptions of Females in Cross-Sex Conversation." *Annals of the New York Academy of Sciences* 327:81–96.
- Wiemann, J. M., and M. L. Knapp. 1975. "Turn-Taking in Conversations." *Journal of Communication* 25:75–92.
- Wilson, T. P., J. M. Wiemann, and D. H. Zimmerman. 1984. "Models of Turn Taking in Conversational Interaction." *Journal of Language and Social Psychology* 3:159–83.
- Winkle, J. W., and J. Wedeking. 2003. "Perceptions and Experiences of Gender Fairness in Mississippi Courts." *Judicature* 87(3):126–34.
- Wrightsman, L. S. 2008. *Oral Arguments Before the Supreme Court: An Empirical Approach*. New York: Oxford University Press.
- Yu, B. 2014. "Language and Gender in Congressional Speech." *Literacy and Linguistic Computing* 29(1):118–32.

## SUPPORTING INFORMATION

Additional supporting information can be found online in the Supporting Information section at the end of this article.

**How to cite this article:** Gleason, S. A. 2024. "Since you put it that way... Gender norms and interruptions at Supreme Court oral arguments." *Social Science Quarterly* : 1–15.  
<https://doi.org/10.1111/ssqu.13377>